

8IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.14 OF 2016
(For Leave to Appeal - Private)**

Rajesh Motors Pvt. Ltd., Satara ... **Applicant**
V/s.

Appaso Hari Gawade & Anr. ... **Respondents**

.....

Mr.Dhananjayrao D. Rananaware, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 16th OCTOBER 2018.

P.C. :

1 Heard the learned Counsel appearing for the applicant and perused the impugned Judgment and Order of acquittal so also other material placed on record.

2 It is seen that hyper technical view is adopted by the learned trial Court in acquitting the respondent/accused of the alleged offence ignoring the purport of presumption that the cheque was issued for consideration.

3 In this view of the matter, the following Order :

ORDER

- (i) Leave as prayed is granted.
- (ii) Memo of Application for leave to appeal be considered as Memo of Appeal on effecting necessary amendment. Leave to amend to that effect is granted.
- (iii) Admit.
- (iv) Issue notice to respondents.
- (v) The learned Additional Public Prosecutor waives notice for the respondent/State.
- (vi) Call for Record and Proceedings.
- (vii) In the meanwhile, in lieu of action under Section 390 of the Code of Criminal Procedure, the respondent No.1 should execute P. R. Bond of Rs.15,000/- before the learned trial Court within a period of four weeks.

(A.M.BADAR J.)